

Exhibit B

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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

TRACY CAEKAERT, and CAMILLIA
MAPLEY,

Plaintiffs,

vs.

WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC.,
WATCH TOWER BIBLE AND TRACT
SOCIETY OF PENNSYLVANIA, and
BRUCE MAPLEY SR.,

Defendants,

WATCHTOWER BIBLE AND TRACT
SOCIETY OF NEW YORK, INC.,
Cross Claimant,

BRUCE MAPLEY, SR.,
Cross Defendant.

Case No. CV-20-52-BLG-SPW

**AFFIDAVIT OF JAMES C.
MURNION**

I, James C. Murnion, an attorney duly admitted to practice law in this Court, declares that the foregoing is true and correct:

1. I am one of Plaintiffs' counsel-of-record in this case. As such, I am fully familiar with the facts and circumstances stated herein.

2. I submit this Affidavit in support of Plaintiffs' Statement of Attorneys' Fees and Costs re: Motion to Compel pursuant to the Court's August 24, 2021 Order (Doc. 85) ("August 24, 2021 Order"), which granted, in full, Plaintiffs' Motion to Compel Jurisdictional Discovery Responses and For Costs and Fees (Doc. 56) ("Motion to Compel").

3. I am an associate at Meyer, Shaffer, and Stepans, I specialize in complex civil litigation representing plaintiffs. I was admitted to practice in Montana in 2016 and have continuously maintained active and good standing with the bar since. I was an Editor at the Montana Law Review before graduating in 2016 and served for one year as a Law Clerk for Federal District Court Judge Samuel Haddon in this federal district. I possess the requisite skills, experience, and reputation for attorneys in Montana to warrant the reasonable hourly rate set forth above.

4. My ordinary and customary rate is \$200/hour.

5. I personally prepared the itemization of my time spent bringing the Motion to Compel, which is attached as **Exhibit 1**.

6. Prior to the Court's August 24, 2021, Order, I did not contemporaneously keep a record of time expended pursuing the Motion to Compel.

7. However, I was able to reasonably identify the time I spent by reviewing my calendar, the discovery requests served and answered, the record of correspondence between counsel during our conferral efforts, and the pleadings filed with the Court pertaining to the Motion to Compel.

8. I then used the following process to create conservative billing entries for my time as follows:

- a. I first identified each discovery request and issue (e.g. Defendants' time-period objection) raised in our Motion to Compel ("MtC Issues").
- b. Based on my calendar, the record of correspondence between counsel, and documents filed with the Court, I was able to identify the work I completed related to the Motion to Compel.
- c. Because the billing entries before August 24, 2021, were not created contemporaneously, my goal was to ensure that each entry reflected less time than the associated task actually required.
- d. Therefore, such entries are a conservative estimate of the time actually expended.

- e. For tasks that included time on discovery issues that were ultimately not raised in Plaintiffs' Motion to Compel, I reduced the total task time based on the percentage of the task that could be attributed to issues Plaintiffs prevailed on. For instance, on January 18, 2021, I drafted a letter to defense counsel regarding twenty (20) separate discovery issues. Because Plaintiffs only raised and prevailed on one of those issues in their Motion to Compel, I have only sought an award for 1/20 of my time spent drafting said letter.
- f. I applied this same time adjustment for entries 2-16 in my billing record as reflected in Column E. **Ex. 1.**
- g. Finally, I applied the time attributable to the issues Plaintiffs' prevailed on to my customary rate of \$200/hour to determine the total fee for each step in bringing Plaintiffs' Motion to Compel.
- h. All entries of time from August 24, 2021, onward were recorded contemporaneously.

9. I specifically excluded from **Exhibit 1** many meetings, phone calls, and discussions with my co-counsel related to MtC Issues that occurred prior to August 24, 2021, because they were not memorialized or recorded and involved

time spent on issues not raised in our Motion to Compel, thus making it extremely difficult to accurately estimate time spent on MtC Issues.

10. I was able to review the Zoom conference records of a mock oral argument Plaintiffs' counsel held on June 17, 2021, to determine the exact amount of time that event required. This is reflected in my billing record. **Ex. 1.**

11. For the foregoing reasons, I certify that the time set forth in my billing entries is a conservative reflection of the time I actually expended in bringing Plaintiffs' Motion to Compel.

DATED this 9th day of September, 2021.

By: /s/ James C. Murnion

James C. Murnion

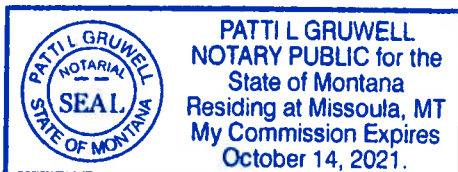
MEYER, SHAFFER & STEPANS PLLP

Attorneys for Plaintiffs

State of Montana

County of Missoula

This instrument was signed and sworn to before me on September 9, 2021 by James C. Murnion.



Patti L. Gruwell
(Notary Signature)

Patti L. Gruwell
Print Name of Notary Public
Notary Public for the State of MT
Residing at: Missoula, MT
My Commission Expires: 10/14/21

Exhibit 1

DATE	ATTORNEY	TASK	TASK TIME	% OF TIME ATTRIBUTABLE TO ISSUES RAISED IN MTC	ADJUSTED TIME	RATE	ADJUSTED FEE
11/25/2020	J. Murnion	Review and analysis of objections re: WTPA's responses to first set of discovery	1.5	3.61%	0.05	\$200	\$10.84
1/5/2021	J. Murnion	Review and analysis of objections re: WTPA's responses to second set of discovery	1.5	6.67%	0.10	\$200	\$20.00
1/5/2021	J. Murnion	Review and analysis of objections re: WTPA's responses to second set of discovery: 1 hour	1	12.50%	0.13	\$200	\$25.00
1/18/2021	J. Murnion	Draft January 19, 2021 Letter to Wilson:	2	5.00%	0.10	\$200	\$20.00
1/20/2021	J. Murnion	Review and analysis of objections re: WTPA's first supplemental responses to second set of discovery	0.25	10%	0.03	\$200	\$5.00
1/22/2021	J. Murnion	Review and analysis of January 22, 2021 letter from Wilson	0.5	9.09%	0.05	\$200	\$9.09
1/25/2021	J. Murnion	Draft January 26, 2021 Letter to Wilson	1	50%	0.50	\$200	\$100.00
2/12/2021	J. Murnion	Review and analysis of February 12, 2021 letter from Wilson	0.5	50%	0.25	\$200	\$50.00
3/8/2021	J. Murnion	Review and analysis of objections re: WTPA's responses to third set of discovery: 1.5 hour.	1.5	12.50%	0.19	\$200	\$37.50
3/8/2021	J. Murnion	Draft March 8, 2021 Email to Wilson	0.1	100%	0.10	\$200	\$20.00
3/9/2021	J. Murnion	Review March 9, 2021 Email from Dunn: .1 hour	0.1	100%	0.10	\$200	\$20.00
3/9/2021	J. Murnion	Draft March 10, 2021 Letter to Wilson	0.5	40%	0.20	\$200	\$40.00
3/22/2021	J. Murnion	Review and analysis of two March 22, 2021 Letters from Wilson	1	20%	0.20	\$200	\$40.00
3/24/2021	J. Murnion	Draft March 26, 2021 Letter to Wilson	0.75	100%	0.75	\$200	\$150.00

DATE	ATTORNEY	TASK	TASK TIME	% OF TIME ATTRIBUTABLE TO ISSUES RAISED IN MTC	ADJUSTED TIME	RATE	ADJUSTED FEE
4/9/2021	J. Murnion	Review and analysis of April 9, 2021 letter from Wilson	0.5	75.00%	0.38	\$200	\$75.00
4/10/2021	J. Murnion	Draft Motion to Compel	0.25	100%	0.25	\$200	\$50.00
4/10/2021- 4/20/2021	J. Murnion	Draft Brief in Support of Motion to Compel	6	100%	6.00	\$200	\$1,200.00
4/19/2021	J. Murnion	Review and analysis of objections re: WTPA's first supplemental responses to third set of discovery	0.25	100%	0.25	\$200	\$50.00
4/28/2021	J. Murnion	Review and analysis of objections re: WTPA's second supplemental responses to third set of discovery (Motion to compel filed on this issue prior to def.'s supplementation)	0.1	100%	0.10	\$200	\$20.00
5/14/2021	J. Murnion	Review and analysis of Defs.' Response Brief to Motion to Compel	2	100%	2.00	\$200	\$400.00
5/19/2021- 5/24/2021	J. Murnion	Draft Reply Brief to Motion to Compel	4	100%	4.00	\$200	\$800.00
5/20/2021	J. Murnion	Review and analysis of objections re: WTPA's third supplemental responses to third set of discovery (Motion to compel filed on this issue prior to def.'s supplementation)	0.1	100%	0.10	\$200	\$20.00
6/17/2021	J. Murnion	Mock hearing to prepare Rob Stepan for oral argument	1.7	100%	1.70	\$200	\$340.00
8/24/2021	J. Murnion	Review Court's Order granting Motion to Compel	0.25	100%	0.25	\$200	\$50.00
8/27/2021	J. Murnion	First draft Statement for Attorney's Fees	0.5	100%	0.50	\$200	\$100.00
8/27/2021	J. Murnion	First Draft of Affidavit of Ryan R. Shaffer re: Attorney's Fees	0.5	100%	0.50	\$200	\$100.00
8/30/2021	J. Murnion	Research Attorneys Fees law in Ninth Circuit	1	100%	1.00	\$200	\$200.00

DATE	ATTORNEY	TASK	TASK TIME	% OF TIME ATTRIBUTABLE TO ISSUES RAISED IN MTC	ADJUSTED TIME	RATE	ADJUSTED FEE
8/31/2021	J. Murnion	Research Attorneys Fees law in Ninth Circuit	1	100%	1.00	\$200	\$200.00
8/31/2021	J. Murnion	First draft Statement for Attorney's Fees	0.5	100%	0.50	\$200	\$100.00
9/1/2021	J. Murnion	Discussion with Ryan about determining ratio of time spent on issues raised in Motion to Compel v. issues conferred on with def. counsel but not raised in motion	0.6	100%	0.60	\$200	\$120.00
9/1/2021	J. Murnion	Determine ratio of time spent on issues raised in Motion to Compel v. issues conferred on with def. counsel but not raised in motion	2	100%	2.00	\$200	\$400.00
9/1/2021	J. Murnion	Research extent of allowable Rule 37 fees in the District of Montana	0.5	100%	0.50	\$200	\$100.00
9/2/2021	J. Murnion	First draft Statement for Attorney's Fees	0.75	100%	0.75	\$200	\$150.00
9/7/2021	J. Murnion	Input time into spreadsheet that applies ratio of time spent on issues raised in Motion to Compel v. issues conferred on with def. counsel but not raised in motion	0.75	100%	0.75	\$200	\$150.00
9/7/2021	J. Murnion	Draft my affidavit re: attorneys fees	0.75	100%	0.75	\$200	\$150.00
Total:			36.2		26.61		\$5,322.43